

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Timothy Binford

Case Number: 2:00CR00099-EFS-1

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: September 28, 2000

Type of Supervision: Supervised Release

Original Offense: Armed Bank Robbery, 18 U.S.C. § 2113 Date Supervision Commenced: January 10, 2014

Original Sentence: Prison - 188 months
 TSR - 36 months

Date Supervision Expires: January 9, 2017

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 20 You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of four random drug tests per month.

Timothy Binford was asked whether he would waive his right to a hearing and agree to the modifications as previously described. As indicated by the enclosed waiver of hearing to modify conditions of supervised release form, Mr. Binford has agreed to the proposed modifications.

Prob 12B

Re: Binford, Timothy

August 4, 2014

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It is respectfully recommended that the attached waiver of hearing to modify conditions of supervised release be adapted.

Respectfully submitted,

by s/Tommy Rosser

Tommy Rosser
U.S. Probation Officer
Date: August 4, 2014

THE COURT ORDERS

- [] No Action
- [] The Extension of Supervision as Noted Above
- [X] The Modification of Conditions as Noted Above
- [] Other



Signature of Judicial Officer

August 5, 2014

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 20 You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Witness:



Tommy Rosser
U.S. Probation Officer

Signed:



Timothy Binford
Probationer or Supervised Releasee

August 4, 2013
Date